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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,077	03/24/2004	Hemal V. Shah	42P18331	7658
8791 7590 05/23/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER DONAGHUE, LARRY D				
ART UNIT		PAPER NUMBER		
2154				
MAIL DATE		DELIVERY MODE		
05/23/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/809,077

**Applicant(s)**

SHAH ET AL.

**Examiner**

Larry D. Donaghue

**Art Unit**

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date 3/18/2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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1. Claims 1-21 are presented for examination.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5,8-10, 12-14,16-17 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boucher et al.(2002/156927) in view of Ziai et al. (7,017,042).

Boucher et al. taught the invention as claimed including the steps of copying a protocol control block from a host processing system to a network protocol offload engine (see abstract and paragraph [0036],[0043],[0049] and figure 2: the communication control block CCB which is passed from the host to the communication processing device CPD); providing message information to the network protocol offload engine, the message information containing a message buffer location in a host memory (see paragraph [0043], [0049]:storage space for per-transfer information); generating one or more message contexts in the offload engine from the message information to indicate the message buffer location rather than copying the message buffer to the offload engine (see 0037],[0104],[0117],[0118] :the context stored on the CPD in TCB; performing protocol processing at the offload engine while leaving the message buffer in the host memory (see paragraphs [0013], [0048],[0049],[0058],[0447] and figure5); and transmitting the message buffer in the form of at least one packet payload directly from the host memory to a network communication link during transmission of packets by the offload engine (see abstract and paragraphs [0012],[0042],[0115],[0129],[0131],[0447]: the fast-path operating mode).

Boucher et al. did not expressly teach without having intermediate buffering of the payload in the offload engine. Ziai et al. teach this as an alternative to intermediate buffering of the payload in the offload engine (col. 5, lines 4-23). It would be obvious to one of ordinary skill in the art to replace one known method with a known alternative.

Claims 9,14, and 17 are rejected for similar rationale.

As to claims 2-3 and 12-13, Boucher et al. taught transmitting the message buffer comprises retrieving the message buffer from the host memory via a cut-through transmissions comprising direct memory access copies [0035], [0115],[0418] ,[0447].

As to claims 4-5, 8, and 20-21, , Boucher et al. taught performing protocol processing using TCP [0037], [0049], [0070], [0115].

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As to claims 10 and 16, Boucher et al. taught the packet payload data addresses comprises message context [0043], [0049].

Claims 6,7, 15 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Boucher et al.(2002/156927) as applied above, in view of Admitted Prior Art.

As to claim 15, The Admitted Prior Art taught the makeup the wire.

As to claims 6-7 and 18-19 The Admitted Prior Art taught to release resources when there use is no longer need.

Applicant did not traverse official notice , thus it deed Admitted Prior Art.

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D. Donaghue whose telephone number is 571-272-3962. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Larry D Donaghue/  
Primary Examiner, Art Unit 2154